

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONAL CENTER FOR PUBLIC
POLICY RESEARCH,

Plaintiff,

v.

SHIRLEY N. WEBER, in her official
capacity as Secretary of State of the State of
California,

Defendant.

No. 2:21-cv-02168-JAM-AC

**ORDER OF DISMISSAL AND
ENTRY OF FINAL JUDGMENT**

In this case, Plaintiff National Center for Public Policy Research (NCPPR) alleged a single facial claim, challenging the constitutionality of California Senate Bill No. 826, 2017-2018 Leg. Reg. Sess. (Cal. 2018) (SB 826), and Assembly Bill No. 979, 2019-2020 Leg. Reg. Sess. (Cal. 2020) (AB 979) under the Equal Protection Clause. Defendant California Secretary of State Shirley N. Weber (Secretary) moved to dismiss NCPPR's claim for failure to allege a cognizable facial claim under the Equal Protection Clause, and for lack of a prudentially ripe claim. On April 19, 2022, the Court granted in part and denied in part the Secretary's motion. The Court denied the motion to dismiss on ripeness grounds and denied dismissal of Plaintiff's equal protection challenge against AB 979. *See* Tr. at 41:5-10, 42:12-14, ECF No. 33. The Court, however, granted the motion to dismiss Plaintiff's equal protection challenge

1 against SB 826. Tr. at 41:2-4, 41:13-16. The Court granted Plaintiff 20 days to file an
2 amended complaint, to allege an as applied challenge against SB 826. *See* Tr. at 41:19-
3 42:10; *see also* Minute Order, ECF No. 30.

4 Plaintiff declined to file an amended complaint to re-plead its claim against SB
5 826. Instead, Plaintiff has filed a request for voluntary dismissal with prejudice of its
6 challenge to AB 979 and an entry of judgment. Having considered Plaintiff's request,
7 IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that:

- 8 1) Plaintiff's equal protection claim against AB 979 is dismissed with
9 prejudice.
10 2) Final judgment is entered in favor of the Defendant pursuant to Federal
11 Rule of Civil Procedure 58(b). All relief sought in Plaintiff's complaint is
12 denied.
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14 **IT IS SO ORDERED**

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16 DATED: May 25, 2022

/s/ John A. Mendez

17 THE HONORABLE JOHN A. MENDEZ
18 UNITED STATES DISTRICT COURT JUDGE
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